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FACSIMILE TRANSMISSION

Date: July 9, 2004
To: Examiner Avi Gold
TC 2100, US Patent and Trademark Office
Fax No.: 703-746-3053

From: Paul D. Heydon

Re: Application No. 09/773,193
Total pages including this cover: 1

Message: As you requested, I respectfully suggest some points we might discuss in our phone interview, at 9:00 AM Central Time, 10:00 AM Eastern Time, Monday, July 12, 2004:

1. In the specification, adding related application's number.

2. Double Patenting: "Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting would not exist." MPEP 804 II A.

3. Is Willehadson, WO 01/31965 A1, available as a reference to reject Claims 1-36, under 35 U.S.C. 102(e)? According to MPEP's Examination Guidelines for Applying References Under 35 U.S.C. 102(e): "If the international application has an international filing date prior to November 29, 2000, ... (b) For U.S. application publications and WIPO publications directly resulting from international applications under PCT Article 21(2), *never apply these references* under 35 U.S.C. 102(e)." MPEP 706.02(f)(1) (I)(C) (3) (emphasis added).

4. Even if Willehadson had been available for use by the Examiner as a reference, has a prima facie case of anticipation been made? As stated in MPEP 2131, to anticipate a claim, a reference must teach every element of the claim.

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THANK YOU!